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OGC 63-2346(a)

10 OCT 1963

ADM-10

MEMORANDUM FOR: Assistant Director for ELINT

SUBJECT: Use of Research Engineer

1. You have requested our opinion as to whether or not, in view of the provisions controlling "conflicts of interest," the Office of ELINT may contract for the services of a highly-qualified electrical engineer to provide technical assistance in specialized areas of the electronics intelligence field.

2. As we understand the proposal, OEL would contract with a firm, the terms of which would provide that the latter would for a fixed contract price furnish the services of a specifically designated individual to perform full-time analytic and engineering research studies. We understand further that the responsibilities of the firm would be delineated in the contract; that the individual would remain its employee, receiving such emoluments as may be agreed without recourse to the Agency; and that the engineer will have no supervisory responsibilities with respect to Agency employees. In the light of these circumstances, we agree that the arrangement contemplated would not give rise to a conflict of interest.

3. Whether or not the revised conflict-of-interest statutes, which became effective 21 January 1963, and now contained in Chapter 11 of Title 18 of the United States Code, are to be considered as proscribing the type of arrangement here, is to be determined, in the final analysis, on whether or not the research engineer is to be considered a Government employee, special or full-time. Here it appears since the contract will be with the firm to whom the Agency will look for performance, the individual himself will not have such a status.

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Assistant General Counsel

Attachment -

Sanders Associates Proposal

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